

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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THE BANK OF NEW YORK AS SUCCESSOR IN INTEREST
TO JPMORGAN CHASE BANK, N.A. F/K/A JPMORGAN
CHASE BANK, AS TRUSTEE FOR WAMU MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2004-RP1

In Re:

MARGUERITE MOONEY



Order Filed on February 15, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-31351 - CMG

Hearing Date: January 16, 2019

Judge: CHRISTINE M. GRAVELLE

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and four (4) is hereby **ORDERED**.

DATED: February 15, 2019

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant: THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK
AS SUCCESSOR IN INTEREST TO JPMORGAN CHASE BANK, N.A.
F/K/A JPMORGAN CHASE BANK, AS TRUSTEE FOR WAMU
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-RP1

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: STEVEN J. ABELSON, Esquire

Property Involved ("Collateral"): 320 CENTER STREET, LITTLE EGG HARBOR, NJ 08087-2104

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 1 month, from 01/01/2019 to 01/31/2019.

☒ The Debtor is overdue for 1 payment at \$1,259.12.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges suspense funds in the amount of \$_____.

Total Arrearages Due \$1,259.12.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$1,259.12. Payment shall be made no later than 01/31/2019.

☒ Beginning on 02/01/2019, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry

of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Wells Fargo Home Mortgage
PO Box 14507
Des Moines, IA 50306

☒ Regular Monthly payment:

Wells Fargo Home Mortgage
PO Box 14507
Des Moines, IA 50306

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification

shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.